

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

FEDERAL NATIONAL MORTGAGE ASSOCIATION,

Plaintiff/Counter-Defendant,

vs

Case No: 13-12441  
Honorable Victoria A. Roberts

ROYAL MANOR APARTMENTS, LLC,

Defendant/Counter-Plaintiff.

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**ORDER**

Consistent with the mandate issued by the Court of Appeals on June 25, 2015,  
the Court orders:

1. Federal National Mortgage Association's motion to dismiss Royal Manor's counterclaim - that Fannie Mae could not assess a 5% late charge against the entire outstanding principal and interest balance at maturity - is GRANTED. As a matter of law, Royal Manor is not entitled to legal relief on this claim.
2. Royal Manor's motion for summary judgment on its claim that Fannie Mae was not entitled to apply NOI payments to attorney fees is DENIED - Fannie Mae could lawfully apply NOI payments to attorneys' fees as a matter of contract. The question of reasonableness of the claimed attorneys' fees will be decided on remand.
3. Royal Manor's motion for summary judgment on the applicable interest rate between foreclosure and redemption is GRANTED. That rate is 5.74%. However, the amount overpaid by Royal Manor in post-foreclosure interest must be recalculated in light of the decision of the Court of Appeals.

**IT IS ORDERED.**

/s/ Victoria A. Roberts  
Victoria A. Roberts  
United States District Judge

Dated: June 30, 2015

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on June 30, 2015.

s/Linda Vertriest  
Deputy Clerk